

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CIVIC ASSOCIATION OF THE DEAF OF
NEW YORK CITY, *et ano.*,

Plaintiffs,

**DECLARATION OF
HENRY DINGMAN**

- against -

95 Civ. 8591 (RWS)

MICHAEL R. BLOOMBERG, *et al.*,

Defendants.
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HENRY DINGMAN declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am employed by the New York City Fire Department (“FDNY”) as Deputy Director of Fire Dispatch Operations in the Bureau of Fire Communications, a position I have held since December 2001. I have been employed by the FDNY since October 1973.

2. As Deputy Director of Fire Dispatch Operations, I am responsible for overseeing the FDNY personnel who receive New York City 911 and other communications requesting emergency fire and rescue services, and the dispatching of FDNY fire units and personnel in response to such communications.

The Street Alarm Box System

3. The FDNY receives emergency notifications and requests for emergency fire and rescue services from a variety of sources. While 911 is the most common source, additional sources include direct calls to Borough-specific FDNY “Fire Lines” or to other administrative numbers within the FDNY; private fire alarm companies (which may contact the FDNY via a Fire Line); and verbal reports by civilians appearing at firehouses or flagging down passing fire-trucks.

4. Individuals can also report emergencies through Emergency Reporting System (ERS) and Box Alarm Readout System (BARS) alarm boxes. Currently, there are 4,918 BARS alarm boxes and 10,159 ERS alarm boxes located throughout the City of New York. Upon activation, both types of alarm box automatically transmit the caller's location (which is the location of the alarm box).

5. ERS alarm boxes have two buttons: the red button transmits calls to the FDNY, and the blue button transmits calls to the New York City Police Department. A person pressing the red button can communicate directly with an FDNY Alarm Receipt Dispatcher.

6. BARS alarm boxes have single handles that, when pulled, transmit a signal to the FDNY. Unlike the ERS alarm boxes, BARS alarm boxes have no capacity for two-way communication.

7. Any time a BARS alarm box is activated, the FDNY responds by sending, at minimum, one engine company and one ladder company to the location of the alarm box. More typically, however, two engine companies, two ladder companies, and an FDNY Chief are dispatched to the BARS alarm box location after activation.

8. Due to the high rate of malicious false alarm ("MFA") transmissions via street alarm boxes, activating the red button of an ERS alarm box does not always generate a dispatch of fire units and personnel, as does activating a BARS alarm box. Instead, between 8:00 a.m. and 11:00 p.m., when MFAs are most common, silent street alarm box calls will elicit an FDNY response only under certain circumstances.

Tapping Protocol

9. The FDNY developed a tapping protocol for use by deaf and hard of hearing individuals who activate ERS alarm boxes. Dispatchers Directive 97-18 describes the

tapping protocol and outlines the procedure FDNY dispatchers follow upon receipt of a tapping call from an ERS alarm box. A copy of this Directive is annexed hereto as **Exhibit A**.

10. As described in Dispatchers Directive 97-18, a caller who presses the red fire button and then performs a series of double taps (two taps, pause, two taps, pause, etc.) on an ERS alarm box speaker signals a request for FDNY services. If the caller presses the red fire button and then performs a series of single taps (tap, pause, tap, pause, etc.), dispatchers treat the call as a request for Police services and subsequently notify the Police via 911 and provide the ERS alarm box number and location.

11. Dispatchers are drilled several times per year on this tapping protocol. During January, May, and September, Tour Supervisors conduct drills on FDNY procedures for handling calls made by deaf, hearing-impaired, and/or speech-impaired persons. During each of these months, such drills are conducted multiple times per week. (For example, in May 2010, the drill was conducted a total of twelve times.) The drill includes a review of the tapping protocol and how to respond to tapping calls per Dispatchers Directive 97-18. These drills have been conducted on this basis since 1997.

Activations of ERS Alarm Boxes

12. When a caller presses the red button of an ERS alarm box between the hours of 8:00 a.m. and 11:00 p.m., the FDNY will respond if a dispatcher hears speaking or tapping from the caller. If a dispatcher hears ambient street noise but does not hear speaking or tapping, no units will be dispatched. If the dispatcher hears no audio whatsoever during such a call, the call will be classified as “ERS-Audio Problem” and one engine company will be dispatched to the location of the alarm box. If the dispatcher hears tapping or possible tapping, she or he will treat the call as a report of a structural fire, and a minimum of two engine

companies, one ladder company, and one chief will be dispatched to the location of the ERS alarm box.

13. Calls transmitted through an ERS alarm box are generally answered within ten seconds. If a call from an ERS alarm box is not answered within ten seconds, one unit is automatically dispatched to the site of the alarm box.

14. One reason an ERS alarm box call may not be answered within ten seconds is if the alarm box's circuit is busy. Up to thirty-two alarm boxes can share a single circuit, and two-way communication can only occur between an FDNY dispatcher and a particular box on a circuit at any given time. Thus, if two-way communication is occurring between one alarm box caller and a dispatcher when a second caller activates another alarm box on the same circuit, the second caller's activation will be transmitted to the FDNY dispatch system, but two-way communication between the second caller and a dispatcher can only occur after the first communication has ended.

Dated: Brooklyn, New York
June 22, 2010


HENRY DINGMAN



**FIRE DEPARTMENT CITY OF NEW YORK
BUREAU OF FIRE COMMUNICATIONS
DISPATCH OPERATIONS**



DISPATCHERS DIRECTIVE

NUMBER 97 - 18

SUBJECT: ERS ACTIVATIONS BY HEARING OR SPEECH IMPAIRED PERSONS	
CATEGORY:	PAGE 1 OF 1
DATE ISSUED: 09/16/97	DATE REVISED: <u>09/30/97</u>
REPLACES: DD96-10 (Section 4)	REPLACED BY:

1. Hearing and speech impaired persons have been advised to use a "*coded tapping procedure*" to receive Fire Department assistance when activating an ERS Alarm Box. The Standardized Procedure that has been disseminated for reporting a Fire is as follows:
 - . Lift cover marked "FIRE"
 - . Push Button
 - . USING FINGERNAILS, A COIN, OR ANY SMALL METAL OBJECT, TAP TWO (2) TIMES ON THE FRONT METAL PORTION OF THE BOX, PAUSE FOR A SHORT INTERVAL, THEN TAP TWO (2) MORE TIMES. REPEAT THIS SEQUENCE AT LEAST FOUR (4) TIMES.
2. Upon receipt of repeated *double taps*, the activation is to be interpreted as a *Report of Fire* from a hearing or speech impaired person, and a structural response is to be dispatched; the letter "M" shall be placed in the ERS Field of the Alarm Screen, and no Disposition Letter Code is to be entered.
3. In the event a series of "*single taps*" are heard, the call is for Police assistance. The Police shall be notified via 911, and are to be provided with the ERS Box Number and Location.
4. DRILL PERIODS
 - 4.1 Borough Supervisors shall ensure that a Drill in *Coded Tapping Procedures Used by Hearing and Speech Impaired Persons* is conducted by Tour Supervisors for each member of the Dispatch Force working Day Tours during the months of **January, May, and September**; with such Drill Periods being noted by the Tour Supervisor in an appropriate Line Journal entry that is to contain the flagging column entry "*DRILL*".
 - 4.2 Borough Supervisors shall forward a report to Deputy Director Higgins concerning these Drill Periods NO LATER THAN THE 15TH OF THE MONTH FOLLOWING THE MONTH IN WHICH THE DRILL PERIOD IS REQUIRED TO BE HELD. Appropriate action is expected to be taken in cases where Dispatch personnel did not receive a Drill Period during the month in which the Drill is required to be held. The report shall be formatted as follows:

Subject: **ERS CODED TAPPING PROCEDURES FOR HEARING & SPEECH IMPAIRED PERSONS
DRILL PERIODS - MONTH OF () 199()**

DATE GRPS TIME TOUR SUPER. PAGE ONLEAVE /MX RE-SCHEDULE DATE

BY ORDER OF THE DIRECTOR - DISPATCH OPERATIONS

